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10/527,986

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4859

32294 7590 01/24/2007  
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EXAMINER

DOAN, PHUOC HUU

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/527,986

Applicant(s)

YLITALO, JUHA

Examiner

PHUOC H. DOAN

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22-39, 41-58 and 60-63 is/are rejected.
- 7) ☒ Claim(s) 21, 40 and 59 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 12/04/2006 have been fully considered but they are not persuasive.

### ***Claim Rejections - 35 USC § 112***

3. Claims 3, 25-41, 43-47, and 49-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the

inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claim 3, the claimed has been amended such as “weighting signals of the functional antenna branches **with previously known weights that compensate for the primary weights to form a compensating radiation pattern**” that was not supported by the original specification.

As to claim 25, the claimed has been amended such as “a base station **configured to form a radio interface**” that was not supported by the original specification.

As to claims 26-41, 43-47, and 49-62, the claimed has been amended such as “configured to form a fixed...”

“configured to transmit...”

“configured to weight...”

“configured to disconnect...”

These limitations were not supported by the original specification.

In response to the Applicant's argues, on page 26-36 that the compensation is obtained by preliminarily forming a primary radiation pattern by weighting signals of at least two functional antenna branches of a base station. Then, at least one antenna branch is disconnected and a radiation pattern is formed which compensates for the primary radiation pattern by weighting signals of the functional antenna branches that present by the present invention can advantageously solve a problem related to interference directed at antenna branches and caused, for example, by electronics, as explained in more detail in the "BACKGROUND" section of the present application. The Examiner respectfully disagree, that the claimed invention (limitations) was not specifically claimed as detail as in the "background or specification" of the present application. The Examiner has considered the claimed invention was broader, unless more specific claimed. Therefore, Nishimori and Weiss in combining under the rejection that are maintained, and still read on the claim(s) invention. These limitations based on the function of weighting signal used by antenna branches, and disconnected one antenna branch to forming a radiation by compensates process signal. Nishimori clearly discloses forming a primary radiation pattern by weighting signals of at least two functional antenna branches "col. 6, lines 62-67, a

calibration value is calculated between two adjacent branches” of a base station “col. 1, lines 22-23, antenna used for the communication between mobile device and base station”(See col. 1, lines 54-65); and forming a radiation pattern which compensates for the primary radiation pattern by weighting signals “col. 14, lines 28-51, weight multiplier circuit” of the functional antenna branches (col. 9, lines 32-51, an amplitude/phase calibration value calculation circuit, 2-10 is a radiation pattern control calculation circuit, and 2-11 is a weight multiplier circuit).

Weiss in combining with Nishimori, Weiss specifically discloses that disconnecting at least one antenna branch (col. 5, lines 15-27, the inputs of antenna for beams are left disconnected since these outermost beams would be attenuated).

Applicant’s argues that Nishimori fails to relate the calibration system to compensation of a radiation.

In response, Nishimori more specifically disclose **the calibration** on transceiver to prevent during actual communication error by affected amplitude error, phase error, and the change of the temperature characteristics during communication **can be compensated of a radiation pattern** (col. 15 through col. 16, lines 39-7). Nishimori clearly discloses a

plurality antenna element used by block functional circuit such as weight multiplier circuit; amplitude/phase calibration calculation circuit; and radiation pattern control calculation circuit which generation the calibration system to compensation of a radiation (Fig. 2, 6 with description).

Applicant's argues, that Weiss does not specifically teach "disconnecting" at least one antenna branch, but only that the inputs for several particular beams are "left disconnected".

In response, in combining Nishimori and Weiss, in the same filed of invention, Weiss discloses an antenna array "multi element antenna arrays on the base stations that provided an input signal for generating output the desired radiation pattern to prevent the interruption cased by interference. Weiss specifically disclose one input (one antenna branch) are disconnected by multi element antenna array (Please see detail in col. 4 through col. 5, lines 13-62) and applicant's specification on page 14.

Based on the above rational, it is believed that the claimed limitations are met by the prior art that has been submitted, and therefore the rejection are maintained.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishimori (US Patent No: 6,735,182)** in view of **Weiss (US Patent No: 5,784,031)**.

As to claim **1, 2-3, 51-52, and 63**, Nishimori discloses a method of compensating for a radiation pattern in a radio system (See Abstract), the method comprising: forming a primary radiation pattern by weighting signals of at least two functional antenna branches “col. 6, lines 62-67, a calibration value is calculated between two adjacent branches” of a base station “col. 1, lines 22-23, antenna used for the



communication between mobile device and base station”(See col. 1, lines 54-65); and forming a radiation pattern that compensates for the primary radiation pattern by weighting signals “col. 14, lines 28-51, weight multiplier circuit” of the functional antenna branches (col. 9, lines 32-51, an amplitude/phase calibration value calculation circuit, 2-10 is a radiation pattern control calculation circuit, and 2-11 is a weight multiplier circuit). However, Nishimori does not specifically disclose that disconnecting at least one antenna branch.

In the same field of invention, Weiss specifically discloses that disconnecting at least one antenna branch (col. 5, lines 15-27, the inputs of antenna for beams are left disconnected since these outermost beams would be attenuated). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disconnecting at least one antenna branch as taught by Weiss to the system of Nishimori in order to avoid significant field cancellation.

**As to claim 12**, Nishimori further discloses that further comprising weighting signals of the functional antenna branches with previously known weights (Fig. 2, item 2-11, col. 10, lines 39-41).

**As to claim 4, 13**, Nishimori further discloses that further comprising weighting signals of the functional antenna branches with weights that differ from the primary weights (col. 10, lines 45-51).

As to **claim 5, 26, 45**, Nishimori further discloses wherein the primary radiation pattern is fixed and the compensating radiation pattern is fixed (col. Fig. 1, item 1-7 **“radiation pattern control calculation circuit”**).

As to **claim 6**, Weiss further discloses wherein the primary radiation pattern is the radiation pattern used in transmission (col. 3, lines 45-50), the disconnected antenna branch is the transmitting antenna branch (col. 5, lines 15-27), and the compensating radiation pattern is the radiation pattern used in transmission (col. 3, lines 55-65).

As to **claim 7-9**, Weiss further discloses all the limitations in col. 5, lines 15-27, and col. 7, lines 45-52 **“Fig. 6A depicts the radiation pattern for a beam b7 in a 16 beam system wherein uniform weights are assigned to each antenna element 208”**.

As to **claim 10, 30, 49**, Weiss further discloses that further comprising forming the radiation pattern that compensates for the primary radiation pattern by weighting signals of the functional antenna branches so that compensation occurs in the azimuth direction (Fig. 5, 8A; col. 7, lines 45-52 **“Azimuth direction”**).

As to **claim 11, 31, 50**, Weiss further discloses a method that further comprising forming the radiation pattern compensating for the primary radiation pattern by weighting signals of the functional antenna branches so that compensation occurs

in the elevation direction (col. 5, lines 56-65 “**elevation direction** associated the radiation is measured at a distance which is much larger than the array dimension”).

As to claim 14, 33, 52, Nishimori further discloses that further comprising forming the compensating radiation pattern by weighting signals of the functional antenna branches **digitally** (col. 1, lines 55-65 “**weight multiplier circuit calculated with digital so that a desired shape of an antenna beam is obtained**”, col. 2, lines 54-60).

As to claim 15, 34, 53, Nishimori further discloses that further comprising forming the compensating radiation pattern by weighting signals of the functional antenna branches with weights that are based on the configuration of the functional antenna elements in the antenna array (col. 5, lines 60-65).

As to claim 16, 35, 54, Nishimori further discloses by further comprising forming the compensating radiation pattern by weighting signals of the functional antenna branches with weights that are based on the radiation patterns formed by single antenna elements (col. 7, lines 63-66).

As to claim 17, 36, 55, Nishimori further discloses by further comprising forming the compensating radiation pattern by weighting signals of the functional antenna

branches with weights that are based on the weighting function of the aperture of the antenna array (col. 5, lines 53-67).

As to claim 18, 56, the combination of Nishimori and Weiss further discloses by further comprising forming the compensating radiation pattern by weighting signals of the functional antenna branches so that the main beams of the compensating radiation pattern overlap at least partly with the main beams of the primary radiation pattern (col. 4, lines 29-50, and Fig. 8A, col. 7, lines 53-60 “radiation pattern for beams, beams B7 and beam B8 overlap” of Weiss).

As to claim 19, 38, 57, Weiss further discloses by further comprising forming the compensating radiation pattern by weighting signals of the functional antenna branches so that at least one main beam of the primary radiation pattern is compensated with at least one main beam of the compensating radiation pattern (col. 4, lines 29-67).

As to claim 20, 39, 58, Nishimori further discloses the compensating radiation pattern by further comprising forming weighting signals of the functional antenna branches so that at least one main beam of the primary radiation pattern is compensated with one main beam of the compensating radiation pattern and coding of the signals of the compensating main beam is the same as the coding of the signals “Fig. 1, item 1-6 “amplitude/phase calibration value calculation

**circuit, Fig. 2, item 2-11"weight multiplier circuit used DSP and software for encoding and decoding signals before antenna receiver/transmit"** of the main beam to be compensated for (col. 2, lines 40-63, col. 3, lines 50-64).

**As to claim 22, 41, 60**, Weiss further discloses by further comprising forming the compensating antenna beam structure by weighting signals of the functional antenna branches so that the dynamic range of the main beams of the compensating radiation pattern is optimized (col. 7 through col. 8, lines 45-23).

**As to claim 23, 61**, Weiss further discloses by further comprising: A method according to claim 1, calibrating the functional antenna branches after the compensating radiation pattern has been formed (col. 8, lines 4-23).

**As to claim 24, 62**, Weiss further discloses by further comprising forming a command for disconnecting at least one antenna branch (col. 5, lines 20-25); and disconnecting said at least one antenna branch on the basis of the command formed (col. 5, lines 15-32).

**As to claim 25, 27-29, 43, 44, 46-48**, Nishimori discloses a radio system comprising (See Abstract): **a base station "col. 1, lines 22-23, antenna used for the communication between mobile device and base station"** for forming a radio interface of the radio system (col. 2, lines 40-53) the base station comprises at least two antenna branches (col. 1, lines 49-53), for establishing a radio link to

terminals (col. 1, lines 20-27); each antenna branch (col. 6, lines 60-67), comprises at least one antenna element (Fig. 1) for forming an antenna array (col. 5, lines 53-65); and the base station comprises weighting means for **weighting signals “col. 14, lines 28-51, weight multiplier circuit”** of the functional antenna branches (col. 9, lines 32-51 “an amplitude/phase calibration value calculation circuit”), for forming a primary radiation pattern wherein the base station is arranged to disconnect at least one antenna branch (col. 9, lines 32-51, **an amplitude/phase calibration value calculation circuit, 2-10 is a radiation pattern control calculation circuit, and 2-11 is a weight multiplier circuit**); and wherein the weighting means are arranged to weight signals of the functional antenna branches to form a radiation pattern which compensates for the primary radiation pattern (col. 5, lines 8-52 **“an array antenna system with including a radiation pattern control calculation circuit 6-10 for controlling radiation pattern of adaptive array antenna system by weighting amplitude and phase of a signal applied to each receivers”**). However, Nishimori does not specifically disclose that disconnecting at least one antenna branch.

In the same field of invention, Weiss specifically discloses that disconnecting at least one antenna branch (**col. 5, lines 15-27, the inputs of antenna for beams are left disconnected since these outermost beams would be attenuated**). Therefore,

it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the disconnecting at least one antenna branch as taught by Weiss to the system of Nishimori in order to avoid significant field cancellation.

**As to claim 37**, the combination Nishimori and Weiss further discloses wherein the weighting means are arranged to weight signals of the functional antenna branches (col. 10, lines 39-49 of Nishimori) , so that the main beams of the compensating radiation pattern overlap at least partly with the main beams of the primary radiation pattern (Fig. 8A, col. 7, lines 53-60 “radiation pattern for beams, beams B7 and beam B8 overlap” of Weiss) .

**As to claim 42**, Nishimori further discloses wherein the base station comprises means for calibrating the antenna branches (col. 2, lines 16-30 “amplitude and phase in each branches in an array antenna should be adjusted, when transmit radiation pattern should coincide with receive radiation pattern”).

*Allowable Subject Matter*

6. Claims **21, 40, 59** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim **21, 40, 59**, the prior art of the record does not disclose comprising forming the compensating radiation pattern by weighting signals of the functional antenna branches so that at least one main beam of the primary radiation pattern is compensated with one main beam of the compensating radiation pattern and the identification signal of the compensating main beam is the same as the **identification signal** of the main beam to be compensated for.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH FEILD can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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01/16/06

  
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